

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

United States of America

v.

Jose Luis Barboza-Maldonado
Citizen of Mexico

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. 03-01963-001M-P

Greg Torok (Appointed)
Attorney for Defendant

USM#: 61759-208 DOB: [REDACTED]/68 INS#: A24 274 517

THE DEFENDANT ENTERED A PLEA OF guilty on 5/21/03 to Count TWO of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC §1325, Illegal Entry, a Felony offense, as charged in Count TWO of the Complaint.

IT IS THE JUDGMENT OF THIS COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **THIRTY (30) DAYS** on Count TWO, with credit for time served.

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk, U.S. District Court, Attn: Finance, Suite, 130, 401 West Washington St., SPC 1, Phoenix, Arizona 85003-2118, the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$10.00

FINE: \$

RESTITUTION: \$

All monetary penalties are due immediately or in regular monthly installments. If incarcerated, payments shall begin under the Bureau of Prisons Inmate Financial Responsibility Program. Any unpaid balance shall become a condition of supervision and shall be paid within of the expiration of supervision.

The total special assessment of \$10.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address.

THE COURT FINDS that you have been sentenced in accordance with the terms of the plea agreement and that you have waived your right to appeal and to collaterally attack this matter. The waiver has been knowingly and voluntarily made with a factual basis and with an understanding of the consequences of the waiver.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

①

03-01963-001M-P

USA vs. Jose Luis Barboza-Maldonado

Page 2 of 2

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Wednesday, May 21, 2003**

JAY R. IRWIN, United States Magistrate Judge

Date May 21, 2003

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal

By: _____
Deputy Marshal

CC: USM (3 Certified),PTS,BPatrol (1 certified),FIN

03-01963-001M-P - Barboza-Maldonado

FILED	COPIES
RECEIVED	COPY
MAY 28 2003	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

DATE: 5/21/03 CASE NUMBER: 03-01963-001M-P

PLEA/SENTENCING MINUTES

USA vs. Jose Luis Barboza-Maldonado

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney _____ INTERPRETER REQ'D Marcia Resler

LANGUAGE: Spanish

Attorney for Defendant Greg Torok (Appointed)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA _____ ☐ Complaint Filed ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ No Financial Afdvt taken ☐ Financial Afdvt sealed
☐ Initial Appearance

DETENTION HEARING:

☐ Held ☐ Cont'd ☐ Reset ☐ UA

Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ _____
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING:

☒ Held ☐ Cont'd ☐ Reset

Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed ☐ Complaint filed
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts II
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) II of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because _____
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to ____ before _____
☒ To be dismissed upon entry of the judgment, Ct(s) I
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☒ Defendant committed to Bureau of Prisons for a period of 30 days ☐ Probation/Supervised Release for _____
☒ Special Assessment \$ 10.00 ☐ Fine \$ _____ ☐ Restitution \$ _____

Other: _____

RECORDED: Cass. # Digital Recording
BY: Angela J. Bueno, Deputy Clerk

DATE: 5/20/2003 CASE NUMBER: 03-01963M-P-001

USA vs. Jose Luis Barboza-Maldonado

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Marcia Resler
LANGUAGE Spanish

Attorney for Defendant

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 5/18/03 ☒ Initial Appearance ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ No Financial Afdvt taken ☐ Financial Afdvt sealed
☐ Rule 40 ☐ Rule 20 ☐ Defendant states true name to be ____ Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
Set for:
Before:
☒ Defendant ordered temporarily detained in the
custody of the United States Marshal
☐ Defendant ordered released _____
☐ Defendant continued detained pending trial
☐ Flight risk ☐ Danger

REMOVAL HEARING/ID:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Warrant of removal issued.
☐ Defendant ordered released _____

PRELIMINARY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Probable cause found ☐ Dismissed
☐ Held to answer before District Court

STATUS HEARING: re: _____

☐ Held ☐ Con't ☐ Reset
Set for:
Before:

Other: Appt of counsel, possible plea and sentence is set for 5/21/03 at 1:00 pm before Judge Irwin.

The Court specifically finds that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. IT IS FURTHER ORDERED that excludable delay under Title 18 USC Section 3161 __ will commence on __ thru __ for a total of __ days.

RECORDED: Cass. Courtsmart Digital System
BY: Angela J. Bueno
Deputy Clerk

United States District Court**DISTRICT OF ARIZONA**

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
MAY 20 2003	
CLERK U.S. DISTRICT COURT	
DISTRICT OF ARIZONA	
BY _____	DEPUTY

UNITED STATES OF AMERICA

V.

Jose Luis BARBOZA-Maldonado

Citizen of Mexico

DOB: [REDACTED] 68

A24 274 517

Illegal Alien

CRIMINAL COMPLAINTCASE NUMBER: *03-1963MP*

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about July 13, 1989, Defendant Jose Luis BARBOZA-Maldonado was arrested and removed from the United States to Mexico through the port of Calexico, California, in pursuance of law, and thereafter on or about May 18, 2003, Defendant was found in the United States near San Luis, Arizona within the District of Arizona, the Secretary of Homeland Security of the United States not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about May 18, 2003, within the District of Arizona, Defendant Jose Luis BARBOZA-Maldonado, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

May 20, 2003

Date

at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

Signature of Complainant

Jerry D. Scott

Senior Patrol Agent

STATEMENT OF FACTUAL BASIS

Defendant: Jose Luis BARBOZA-Maldonado

Dependents: None

IMMIGRATION HISTORY: The Defendant was last removed through Calexico, California on July 13, 1989.

CRIMINAL HISTORY:

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
7/3/84 Madera, CA	Poss/Mfg/Sell Dangerous Weapon	Convicted- Felony, 16 mos. prison

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near San Luis, Arizona. Remote camera operators saw him and another subject walking east from the international boundary on the Colorado River. Agents responded to the area and found the pair attempting to conceal themselves in a field.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near San Luis, Arizona on May 18, 2003. He stated he was en-route to Yuma, Arizona.

Charges:	8 USC§1326	(Felony)
	8 USC§1325	(Misdemeanor)

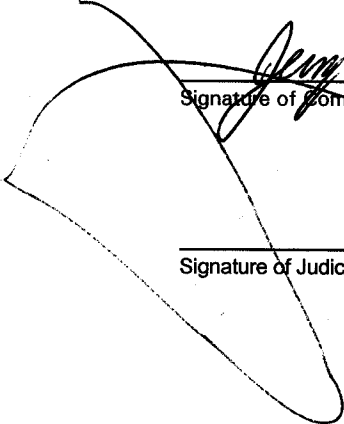


Signature of Plaintiff

Sworn to before me and subscribed in my presence,

May 20, 2003

Date



Signature of Judicial Officer